

Senate File 573 - Introduced

SENATE FILE 573

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1217)

A BILL FOR

- 1 An Act relating to merchant line franchise petition
- 2 requirements and levee and drainage districts, and including
- 3 retroactive applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.3, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6A. As used in this chapter, the term
4 "*culvert*" includes a drain, tile, or tile line.

5 Sec. 2. Section 478.6A, subsection 2, Code 2023, is amended
6 to read as follows:

7 2. Notwithstanding [section 478.21](#), in addition to any
8 other applicable requirements pursuant to [this chapter](#), if a
9 petition for a franchise to construct a merchant line that
10 is proposed to be constructed above ground and involves the
11 taking of property under eminent domain is not approved by the
12 board and a franchise granted within three years following the
13 date the petition is filed with the board pursuant to section
14 478.3, the board shall reject the petition and make a record
15 of the rejection. If the hearing on the petition conducted
16 pursuant to [section 478.4](#) has been held within the three-year
17 period following the date the petition is filed, but the board
18 has not completed its deliberations within that three-year
19 period, the three-year period may be extended by the board to
20 allow completion of deliberations. A petitioner shall not file
21 a petition for the same or a similar project that has been
22 rejected within sixty months following the date of rejection
23 if the rejection was for failure to be approved within three
24 years following the date the petition was filed as provided in
25 this subsection.

26 Sec. 3. RETROACTIVE APPLICABILITY. The section of this Act
27 amending section 478.6A applies retroactively to a petition for
28 a franchise submitted on or after September 1, 2020.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to merchant line franchise petition
33 requirements and levee and drainage districts.

34 The bill defines "*culvert*" to include a drain, tile, or
35 tile line in Code chapter 468, relating to levee and drainage

1 districts.

2 The bill specifies that if a proposed aboveground merchant
3 line involving the use of eminent domain fails to be approved
4 by the Iowa utilities board within three years following the
5 submission of the franchise's petition, the board shall reject
6 the petition. Current law does not restrict this provision to
7 aboveground merchant lines.

8 The section of the bill amending Code section 478.6A applies
9 retroactively to a petition for a franchise submitted on or
10 after September 1, 2020.